

HOUSE BILL NO. 400

INTRODUCED BY D. VILLA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A BOARD OF SUPERVISORS OF A CONSERVATION
5 DISTRICT TO APPOINT ONE OF ITS MEMBERS OR ASSOCIATE MEMBERS TO A CITY-COUNTY PLANNING
6 BOARD; PROVIDING THAT THE APPOINTMENT IS SUBJECT TO APPROVAL OF THE CITY-COUNTY
7 PLANNING BOARD; PROVIDING THAT AN ASSOCIATE MEMBER OF A CONSERVATION DISTRICT
8 DESIGNATED BY THE GOVERNING BOARD MAY BE APPOINTED TO A COUNTY PLANNING BOARD;
9 AMENDING SECTIONS 76-1-201 AND 76-1-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 76-1-201, MCA, is amended to read:

14 **"76-1-201. Membership of city-county planning board.** (1) Except as provided in subsection (2), a
15 city-county planning board ~~shall consist~~ consists of ~~not less~~ no fewer than nine members to be appointed as
16 follows:

17 (a) two official members who reside outside the city limits but within the jurisdictional area of the
18 city-county planning board to be appointed by the board of county commissioners, who may in the discretion of
19 the board of county commissioners be employed by or hold public office in the county;

20 (b) two official members who reside within the city limits to be appointed by the city council, who may
21 in the discretion of the city council be employed by or hold public office in the city;

22 (c) two citizen members who reside within the city limits to be appointed by the mayor of the city;

23 (d) two citizen members who reside within the jurisdictional area of the city-county planning board to be
24 appointed by the board of county commissioners;

25 (e) the ninth member ~~to be selected by the eight officers and citizen members hereinabove provided for~~
26 ~~from the members of~~ to be appointed by the board of supervisors of a conservation district provided for in
27 76-15-311 from the members or associate members of the board of supervisors, SUBJECT TO APPROVAL OF THE
28 MEMBERS PROVIDED FOR IN SUBSECTIONS (1)(A) THROUGH (1)(D).

29 (2) Subsection (1)(e) does not apply if there is no member or associate member of the board of
30 supervisors of a conservation district who is able or willing to serve on the city-county planning board. In ~~such~~

1 that case, the ninth member of the city-county planning board ~~shall~~ must be selected by the eight officers and
 2 citizen members ~~hereinafter provided for~~ pursuant to subsections (1)(a) through (1)(d), with the consent and
 3 approval of the board of county commissioners and the city council."
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5 **Section 2.** Section 76-1-211, MCA, is amended to read:

6 **"76-1-211. Membership of county planning board.** (1) County planning boards ~~shall~~ consist of not less
 7 than five members appointed by the board of county commissioners. At least one member of ~~any~~ a county
 8 planning board existing on or formed after July 1, 1973, ~~shall~~ must be a member of the governing board of a
 9 conservation district as provided for in chapter 15, or an associate member of a conservation district designated
 10 by the governing board of a conservation district, or a member of a state cooperative grazing district if officers
 11 of either of the districts or the designated associate member of a conservation district reside in said the county.

12 (2) ~~In the event that any~~ If a city or town subsequently becomes represented on the county planning
 13 board pursuant to 76-1-111, additional members of the planning board representing ~~such the~~ the cities or towns ~~shall~~
 14 must be appointed by the respective city councils."
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16 NEW SECTION. **Section 3. Transition.** (1) The members of a city-county planning board, established
 17 pursuant to 76-1-201, or a county planning board, established pursuant to 76-1-211, who are members on [the
 18 effective date of this act] may continue to serve the remainder of their terms as described under the provisions
 19 of 76-1-203.

20 (2) Appointments to a city-county planning board after [the effective date of this act] must be made as
 21 described in 76-1-201. Appointments to a county planning board after [the effective date of this act] must be made
 22 as described in 76-1-211.
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24 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.
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